

ESTTA Tracking number: **ESTTA537254**

Filing date: **05/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056820
Party	Defendant Hollywood Burger Holdings, Inc.
Correspondence Address	HOLLYWOOD BURGER HOLDINGS INC 135 FIFTH AVENUE, 10TH FLOOR NEW YORK, NY 10010 UNITED STATES
Submission	Answer
Filer's Name	Eric S. Hutner
Filer's e-mail	ehutner@hutnerklarish.com
Signature	/Eric S. Hutner/
Date	05/10/2013
Attachments	Answer-Amended Petition for Cancellation-Hollywood Cafe.pdf (1 page)(15189 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X		
HOLLYWOOD CASINO CORPORATION,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92056820
	:	Registration No. 4,036,289
HOLLYWOOD BURGER HOLDINGS, INC.,	:	
	:	
Respondent.	:	
-----X		

ANSWER TO AMENDED PETITION FOR CANCELLATION

Respondent Hollywood Burger Holdings, Inc., by its attorneys Hutner Klarish LLP, hereby responds to the Amended Petition for Cancellation (the "Petition") herein as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Petition.
4. Admits the allegations contained in paragraph 4 of the Petition.
5. Admits the allegations contained in paragraph 5 of the Petition.
6. Admits the allegations contained in paragraph 6 of the Petition.
7. Admits the allegations contained in paragraph 7 of the Petition.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Petition.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Petition.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Petition.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Petition.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Petition.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Petition.

15. Denies the allegations contained in paragraph 15 of the Petition.

16. Denies the allegations contained in paragraph 16 of the Petition.

17. Denies the allegations contained in paragraph 17 of the Petition.

18. Denies the allegations contained in paragraph 18 of the Petition.

19. Denies the allegations contained in paragraph 19 of the Petition.

20. Denies the allegations contained in paragraph 20 of the Petition, except admits that respondent is not presently operating an eatery in the United States.

21. Denies the allegations contained in paragraph 21 of the Petition, except admits that it operates restaurants in Argentina and the United Arab Emirates and has plans to open additional restaurants in the near future, and that information consistent with this has been publicly stated on its website and in press releases.

22. Denies the allegations contained in paragraph 22 of the Petition, except refers the Board to the referenced website for a full and accurate description of its contents.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Petition regarding the investigation conducted by Petitioner.

24. Denies the allegations contained in paragraph 24 of the Petition, except admits that Respondent is not presently operating an eatery in the United States.

25. Denies the allegations contained in paragraph 25 of the Petition, except admits that Respondent was not operating an eatery in the United States on the date referenced.

26. Denies the allegations contained in paragraph 26 of the Petition, except admits that Respondent was not operating an eatery in the United States on the date referenced.

27. Denies the allegations contained in paragraph 27 of the Petition, except admits that Respondent was not operating an eatery in the United States on the date referenced.

28. Denies the allegations contained in paragraph 28 of the Petition, except admits that Respondent is not presently operating an eatery in the United States and was not operating an eatery in the United States on the dates referenced.

29. Denies the allegations contained in paragraph 29 of the Petition, except admits that Respondent has not operated an eatery in the United States.

30. Denies the allegations contained in paragraph 30 of the Petition.

31. Denies the allegations contained in paragraph 31 of the Petition.

32. Denies the allegations contained in paragraph 32 of the Petition.

33. Denies the allegations contained in paragraph 33 of the Petition.

WHEREFORE, Respondent hereby demands judgment as follows:

(1) Dismissing the Petition, as against it, with prejudice and denying each and every request for relief set forth therein;

(2) Awarding Respondent the costs and disbursements of this action, including reasonable attorneys' fees; and

(3) Awarding Respondent such other and further relief as the Board deems just and proper.

Dated: May 10, 2013

Respectfully submitted,

/Eric S. Hutner/
By: _____
Eric S. Hutner

HUTNER KLARISH LLP
1359 Broadway, Suite 2001
New York, New York 10018
212-391-9235 / 212-981-9122 (fax)
ehutner@hutnerklarish.com

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Answer to Amended Petition for Cancellation was served on counsel of record for the Petitioner via email and first class mail as follows:

Hara K. Jacobs, Esq.
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
JacobsH@ballardspahr.com

Dated: May 10, 2013

/Eric S. Hutner/

Eric S. Hutner